DOCUMENT RESUME

ED 243 234 EA 016 730

AUTHOR Wilkinson, Etta Lou
TITLE Prevention of Discrimination in Selected Federal Block Grant Programs--Kansas.
INSTITUTION Florida State Dept. of Education, Tallahassee. Bureau of Compensatory Education.
SPONS AGENCY Commission on Civil Rights, Washington, D.C.
PUB DATE Sep 83
NOTE 24p.
PUB TYPE Reports - Evaluative/Feasibility (142)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Block Grants; Civil Rights; *Civil Rights Legislation; *Compliance (Legal); *Federal Aid; *Federal Programs; *Federal Regulation; Resource Allocation; Sex Fairness
IDENTIFIERS Department of Health and Human Services; *Kansas

ABSTRACT

This report by the Kansas Advisory Committee to the United States Commission on Civil Rights reviews state enforcement of nondiscrimination provisions related to federally funded programs. The report looks at procedures used in fund allocation as well as public participation in the allocation decisions. It also looks at the extent to which minorities and women are beneficiaries of the services provided by the programs. Information was provided by the Governor's office, the Kansas Department of Social Rehabilitation Services (SRS), the Kansas Department of Administration, and the United States Department of Health and Human Services/Office for Civil Rights (HHS/OCR). The programs studied were: Social Services Block Grant; Alcohol, Drug Abuse and Mental Health Block Grant; Community Services Block Grant; and Low Income Energy Assistance. The advisory committee's review found that a compliance program has not been implemented. This may be based on the presumption that federal agencies would assume responsibility for compliance, as in the pre-block-grant period. The report concludes that it is difficult to know the true status of civil rights compliance. The report presents two recommendations: (1) the establishment of a state uniform policy and mechanism to assess compliance, and (2) the provision by HHS/OCR of technical assistance to SRS specifically geared to the establishment of a state compliance review system. (MD)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED243234

EA

Prevention of Discrimination in Selected Federal Block Grant Programs—Kansas

September 1983

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

EA 016 730

A report of the Kansas Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This monograph will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the contents of this monograph should not be attributed to the Commission but only to the Kansas Advisory Committee.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957, as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

Prevention of Discrimination in Selected Federal Block Grant Programs – Kansas

—A report prepared by the Kansas Advisory Committee to the U.S. Commission on Civil Rights

Attribution:
The findings and recommendations contained in this report are those of the Kansas Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This report has been prepared by the State Advisory Committee for submission to the Commission and will be considered by the Commission in formulating its recommendations to the President and Congress.

Right of Response:
Prior to publication of a report, the State Advisory Committee affords to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses received have been incorporated, appended, or otherwise reflected in the publication.

LETTER OF TRANSMITTAL

Kansas Advisory Committee to the
U.S. Commission on Civil Rights
September 1983

MEMBERS OF THE COMMISSION
Clarence M. Pendleton, Jr., *Chairman*
Mary Louise Smith, *Vice Chairman*
Mary Frances Berry
Blandina Cardenas Ramirez
Jill S. Ruckelshaus
Murray Saltzman

John Hope III, *Acting Staff Director*

Dear Commissioners:

The Kansas Advisory Committee submits this report on its review of enforcement of nondiscrimination assurances required by Pub. L. 97-35, the Omnibus Reconciliation Act of 1981, in four block grant programs administered by the Kansas Department of Social and Rehabilitation Services (SRS). These programs are: Social Services; Alcohol, Drug Abuse and Mental Health; Community Services and Low-Income Energy Assistance. The Advisory Committee obtained information for this study from the Governor's office, Kansas Department of Administration, Kansas Department of Social and Rehabilitation Services and U.S. Department of Health and Human Services. All agencies and persons mentioned in the report were given an opportunity to comment on a draft of this report and their comments and corrections have been incorporated.

The Advisory Committee found that although the State had provided required paper assurances regarding nondiscrimination in its programs and those of its grantees/contractors, it did not have a system by which actual compliance with applicable Federal antidiscrimination laws could be determined. There had been little or no review of service providers' facilities or activities beyond a very small number of compliance reviews conducted by Region VII, Department of Health and Human Services/Office for Civil Rights (HHS/OCR). The Advisory Committee found that SRS had relied on Federal agency's findings of possible noncompliance to determine when the department would become involved in any corrective actions. However during the course of the Committee's study, SRS established a contract compliance position whose occupant will have responsibility to outline steps the department should take to ensure uniform departmentwide compliance with and enforcement of Federal nondiscrimination requirements. When initiated, this SRS activity will be a first step in implementation of the Advisory Committee's recommendation that the State should establish a uniform policy and mechanism to assess its own and its grantees' compliance.

The Advisory Committee found that Region VII HHS/OCR conducted only three compliance reviews of Kansas facilities receiving Federal funds during FY 1982, and that no target goals for block grant reviews had been established for FY 1983. The Committee concluded that the agency's level of activity in reviewing contract compliance is clearly far less than needed to adequately monitor State compliance with antidiscrimination assurances and grantee performance. But the

Committee also found that the regional office of HHS/OCR has rendered technical assistance to Kansas recipients of Federal assistance some of which was for the stated purpose of helping grantees comply with various civil rights regulations. The Advisory Committee recommended that Region VII HHS/OCR provide technical assistance so that SRS can establish an effective system of compliance review including monitoring guidelines and evaluative tools.

The Committee urges you to concur in its factfinding and recommendations and to assist the Committee in its follow-up efforts.

Respectfully,

JACLYN GOSSARD, *Chairperson*
Kansas Advisory Committee

MEMBERSHIP
KANSAS ADVISORY COMMITTEE TO THE UNITED STATES COMMISSION ON CIVIL RIGHTS

Jaclyn Gossard, *Chairperson*
Wichita

Jay D. Battenberg
Leavenworth

Benjamin H. Day
Leavenworth

Russell W. Getter*
Lawrence

Clyde D. Graeber
Leavenworth

Ascension Hernandez
Shawnee

Will Florence Robbins-Hudgins
Kansas City

Norman E. Justice
Kansas City

Rayna F. Levine
Overland Park

Gloria Jean Sandoval
Garden City

Ruth G. Shechter
Fairway

Leroy Tombs
Bonner Springs

Alfredo M. Valenzuela*
Garden City

Clarence E. Wesley*
Wichita

*No longer a member of the Advisory Committee.

ACKNOWLEDGMENTS

This report was produced with the assistance of the Commission's Central States Regional Office. The project director and writer was Etta Lou Wilkinson. Legal sufficiency review was conducted by Elaine M. Esparza. Support services were provided by Jo Ann Daniels. The project was undertaken under the overall supervision of Melvin L. Jenkins, Esq., Director, Central States Regional Office.

CONTENTS

1. **Introduction** 1

2. **Civil Rights Compliance Efforts of SRS** 3

3. **The Block Grant Process** 7
The Application Process
Funding and Program Participation
Social Services Block Grant
Alcohol, Drug Abuse and Mental Health Block Grant
Community Services Block Grant
Low-Income Energy Assistance

4. **HHS/OCR Monitoring of Block Grants** 12

5. **Conclusions, Findings and Recommendations** 13

Appendix A: Filing of Discrimination Complaints 15

1. Introduction

Under provisions of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35)[1] a wide variety of Federal categorical grants for health and human services programs, administered by the U.S. Department of Health and Human Services (HHS), were consolidated into block grants to the States. A rationale for this "New Federalism" policy has been described as follows:

> Categorical grant programs maintained a tight Federal rein with a growing number of regulations. . . With block grants, States can tailor their spending to meet their own local needs. Federal regulations and reporting requirements are reduced to the minimum necessary to assure that the broad purposes of the blocks are being observed, the State programs comply with the law, and that funds are spent for purposes intended by the law.[2]

In view of the transfer of substantial responsibility to the State level for Federal review of the use of Federal funds connected with the new block grant programs, the Kansas Advisory Committee decided it would be appropriate to find out how the State is administering and enforcing nondiscrimination provisions of Pub. L. 97-35 and other civil rights requirements related to federally-funded programs. The Committee's review parallels a similar study recently completed by the Missouri Advisory Committee.[3] The Missouri study disclosed a comprehensive system administered by the responsible State agencies for ensuring compliance with Federal civil rights requirements but only limited resources devoted to implementation.[4]

The Committee also asked the State for information on the procedures used to allocate funds and public participation in the allocation process. In addition the Committee was interested to learn the extent to which minorities and women were beneficiaries of the services provided and whether the allocation of these funds had any discriminatory effect on the availability of covered services.

Information for this study was provided by the Governor's office, Kansas Department of Social and Rehabilitation Services (SRS), Kansas Department of Administration and the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR). The block grant programs administered by SRS are: Social Services, Alcohol, Drug Abuse and Mental Health, Community Services and Low-Income Energy Assistance. The Committee did not review the Preventive Health or Maternal and Child Health block grants (administered by the Kansas Department of Health and Environment) or the Education block grant. The State has not applied to administer the Primary Care or Community Development block grants.[5]

The current status of the civil rights requirements administered by the Department of Health and Human Services under the provisions of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-

[1] Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, 95 Stat. 357.
[2] U.S. Department of Health and Human Services, *Block Grants, HHS Fact Sheet*, August 1981.
[3] Missouri Advisory Committee, *State and Federal Civil Rights Enforcement in Missouri—Nondiscrimination in the New Health and Human Services Block Grant Programs* (October 1982).
[4] Ibid.
[5] Robert L. Epps, Principal Budget Analyst, Department of Administration, Division of the Budget, letter to staff, May 25, 1983, attachments.

35) has been clarified in the Final Rules issued on July 6, 1982.[6] With some exceptions these rules merely reference earlier regulations governing compliance with laws prohibiting discrimination on the bases of race, color, national origin, handicap and age. These rules continue in effect and, to the extent that they were deficient, they remain so.[7]

The statutory language establishing each of the block grants, except social services, references other statutes that prohibit discrimination based on age, handicap, race, color, and national origin.[8] In addition, the provisions establishing the block grants for Preventive Health Care; Alcohol, Drug Abuse and Mental Health; Primary Health Care; and, Maternal and Child Health Services contain prohibitions of discrimination based on religion or sex.[9] Although there are no antidiscrimination clauses in the legislation covering the Social Services block grant, the Department of Health and Human Services, in its final regulations commentary states:

> Congress has made clear that States and their grantees have the responsibility to prohibit discrimination on the basis of race, color, national origin, age and handicap. In addition, several of the block grants require that religious and sex discrimination be prohibited as well. The Secretary interprets existing laws against discrimination in federally assisted programs as applying to the social services block grant.[10]

All State applicants must provide an assurance of compliance with the provisions of Pub. L. 97-35 and therefore with the nondiscrimination clauses in the various sections cited above.[11] Pursuant to regulations, they also must provide assurances of compliance with Title VI of the Civil Rights Act and Sec. 504 of the Rehabilitation Act.[12]

The final regulations specify that the complaint procedures to be utilized for discrimination complaints are the same that were utilized in the past—viz those established under the various antidiscrimination laws—and that complaint procedures specified in Pub. L. 97-35 do not apply to these situations.[13] The Department of Health and Human Services states that "regulations implementing novel aspects of the block grant nondiscrimination provisions are being developed and will be published in the future."[14] These would relate to prohibitions of discrimination based on religion or sex. The Department of Health and Human Services apparently will continue to monitor compliance with antidiscrimination laws using the same processes, including periodic compliance reviews, specified in regulations for the administration of the Civil Rights Act, Rehabilitation Act and other antidiscrimination regulations.

In Chapter 2 of this report the Advisory Committee summarizes the external compliance efforts of SRS in administering its block grant programs. The State's internal affirmative action efforts have been reviewed by this Advisory Committee in its study, *State Government Affirmative Action in Mid-America: An Update.*[15] In Chapter 3 the Advisory Committee summarizes the data it received on the utilization of SRS block grant funds and the allocation process. In Chapter 4 the Committee reviews the compliance activities of the Department of Health and Human Services/Office for Civil Rights. Chapter 5 contains the Committee's conclusions, findings and recommendations. These are intended to assist the U.S. Commission on Civil Rights in its program planning efforts.

The Advisory Committee appreciates the contributions of the Governor's office, Kansas Department of Social and Rehabilitation Services, Department of Administration, and the U.S. Department of Health and Human Services/Office for Civil Rights in providing information for this monograph. They have been provided a chance to comment on a preliminary draft of this monograph and relevant comments or corrections have been incorporated or otherwise reflected in the final draft.

[6] 47 Fed. Reg. 29472-29493 (1982).

[7] 45 C.F.R. Parts 80 and 81 implement Title VI of the Civil Rights Act of 1964, as amended, by prohibiting discrimination on the bases of race, color, and national origin in many programs of Federal financial assistance. 45 C.F.R. Part 84 prohibits discrimination on the basis of handicap and 45 C.F.R. Part 90 prohibits discrimination on the basis of age in such programs.

[8] Pub. L. 97-35, §§508(a)(1), 677(a), 1908(a)(1), 1918(a)(1), 1930(a)(1), 2606(a).

[9] Pub. L. 97-35, §§508(a)(2), 1908(a)(2), 1918(a)(2), 1930(a)(2).

[10] 47 Fed. Reg. 29480 (1982).

[11] For example see Pub. L. 97-35, §.905(a)(c)(1).

[12] 45 C.F.R. §80.4 and 45 C.F.R. §84.5.

[13] 47 Fed. Reg. 29480 (1982).

[14] Ibid.

[15] Kansas Advisory Committee, *State Government Affirmative Action in Mid-America: An Update* (March 1982).

2. Civil Rights Compliance Efforts of SRS

In response to the Committee's inquiry on procedures used by SRS to monitor its own and grantee/contractor compliance with Federal and State antidiscrimination laws, SRS stated that it does not conduct "formal compliance reviews" but instead relies upon the reviews conducted by various Federal agencies.[1] The agency monitors these "through a review of the results of [Federal] complaint investigations and compliance reviews." When a discriminatory practice or an area of noncompliance is disclosed, staff is assigned to work with the enforcement agency to devise and implement the necessary corrective actions.[2] Thus for the most part SRS's contract compliance efforts are not self-initiated but in response to possible Federal findings of noncompliance. However, SRS said contractors' compliance is monitored on a "case by case basis" whereby "as a matter of policy the agency routinely provides contractors with a clear written explanation of their civil rights responsibilities and requires them to complete a survey questionnaire and sign a statement of assurance of compliance with applicable Federal and State antidiscrimination laws."[3]

Explanations of State and contractor responsibility for nondiscrimination vary from program to program. A written explanation of civil rights responsibilities appears in the introductory pages of SRS Social Services block grant documents, e.g. Adult Services Grant Program Monitoring, Social Services Grant Program, Regulations for Licensing/Certification of (non-medical) and Community-Based Agencies Providing Services to Handicapped Adults. These describe discrimination prohibited under Title VI of the Civil Rights Act of 1964, Kansas Act Against Discrimination (K.S.A. 44-1009), Section 504 of the Rehabilitation Act of 1973 and the 1967 Federal Age Discrimination in Employment Act as amended in 1978. SRS has told its grantees that monitoring of affirmative action including complaint handling on behalf of the handicapped is to be delegated to the SRS's "civil rights coordinator for the handicapped" but there are no further references as to what staff carry responsibilities for other protected groups.[4]

Additionally, affirmative action and antidiscrimination conditions are contained in the Notification of Grant Award Form and Contractual Provisions Attachment of the Social Services Grant Program. As one of the stipulations to the grant award "the grantee agrees to develop and maintain an affirmative action program and plan which complies with the grantor's affirmative action plan. The grantee agrees to review and update the plan annually and to complete appropriate workforce analyses," and "make specific information available upon request."[5]

[1] Robert C. Harder, Secretary, State Department of Social and Rehabilitation Services, letter to staff, Nov. 5, 1982 (hereafter cited as Harder Nov. 5 letter).

[2] Ibid.

[3] Ibid.

[4] Documents on file at CSRO provided as attachments to Harder letter, Nov. 5, 1982.

[5] Department of Social and Rehabilitation Services, *Social Services Grant Program*, March 1982, pp. 16, 18, 20.

SRS has an extensive handbook for monitoring its Adult Services Grant Program funded by the Social Services block grant.[6] The handbook lists five monitoring components: 1) Delivery of Service; 2) Reporting Requirements; 3) Client Eligibility; 4) Admissions; 5) Program Evaluation.[7] Civil rights compliance is not included as one of the monitoring items. One question posed in the handbook is "does affirmative action compliance need to be monitored?", and the answer states that compliance is included in SRS licensing/certification and CARF (Commission on Accreditation of Rehabilitation Facilities, a national accrediting body) regulations.[8] The regulations for licensing/certification of community based agencies providing services to handicapped adults require that an agency develop and keep records available to SRS staff on hiring and promotional procedures and "these will be nondiscriminatory by reason of sex, race, age, handicap, creed, marital status, ethnic or national membership."[9] SRS commented that clients are advised of their right to appeal SRS decisions on all notices of action, and that fair hearings for social service programs are handled through the Department's appeals section.[10] With exception of the statement that affirmative action compliance is not a part of the program monitoring process for adult services, significant mention of monitoring for civil rights compliance is absent from documents on programs funded by the Social Services block grant.

The State's 1983 application for the Low Income Home Energy Assistance Program (LIEAP) contains a standard statement of assurance from the State that it will not discriminate on the various grounds prohibited by Federal and State laws and indicates that persons who feel they have been discriminated against may make complaint in writing to SRS or the Federal agency (HHS). The application also includes an assurance statement that the State (if it selects to pay home energy suppliers directly) will establish procedures to ensure that the supplier agrees not to discriminate in costs of goods in services provided to eligible households.[11]

The State's applications for Alcohol and Drug Abuse and Mental Health Services (ADM) block grant for FY 1982 and FY 1983 do not contain any civil rights assurances, per se; however, the Department states that when the grant award is signed the recipient Mental Health Center "agrees to comply with the SRS Grants Manual which addresses the issues of discrimination."[12] This is the standard statement that appears in the social services program documents. SRS commented that all alcohol and drug abuse treatment programs receiving either Federal or State funds require licensure/certification by SRS annually through on-site reviews. The standards for licensure/certification place a "heavy emphasis" on "client's rights, personnel practices, and confidentialty,"[13] which the Department seems to view as tantamount to providing civil rights protections. The licensing/certification standards of alcohol and/or drug abuse programs include clauses: 1) "No program shall discriminate or permit discrimination against any persons in any manner prohibited by the laws of the United States or the State of Kansas; 2) Every facility shall establish personnel policies which are not in conflict with the Equal Employment Opportunities Act of 1972 (Pub. L. 92-261), and every program shall develop an affirmative action plan, and this plan shall be operational."[14]

Precisely how and by whom these aspects are evaluated was not evident from the material submitted by SRS. Each funded program, in addition to having on-site review for licensure/certification, receives an annual on-site visit to review compliance with grant terms during which time any client complaints or concerns can be ascertained through file reviews and interviews with randomly selected clients.[15]

The Community Services block grant program description appears to provide the more substantive activity, beyond mere statements of assurance, of the four SRS programs. The administering office (State Economic Opportunity Office/SRS) states that "grantee compliance is monitored through semiannual desk reviews of race, sex, age and client participation data provided on an SRS standard

[6] Department of Social and Rehabilitation Services, *Adult Services Grant Program Monitoring*, October 1982.
[7] Ibid.
[8] Ibid, p. 2.
[9] SRS, *Regulations for Licensing/Certification of (Non-Medical) Community Based Agencies Providing Services to Handicapped Adults*, p. 15, Rev. May 1, 1982.
[10] Harder Nov. 5 letter, Harrod memo.
[11] Robert C. Harder, letter to staff, Nov. 8, 1982.
[12] Harder Nov. 5 letter, attachments I, II and V.
[13] Harder Nov. 5 letter, Phillips memo, attachment.
[14] Kansas Department of Social and Rehabilitation Services, *Standards for Licensure/Certification of Alcohol and/or Drug Abuse Treatment Programs*, July 2, 1982, pp. 1, 3.
[15] Harder Nov. 5 letter, Phillips memo, attachment.

form by the grantee agency. Complaints stemming from grantee organizations are referred to the Office of Civil Rights within the Department of Human Resources and the Kansas Civil Rights Commission. The same complaints are referred to the EEO unit of the department (SRS) for possible internal investigation."[16] SRS stated that it staffs a full-time equal employment opportunity unit "the function of which is to ensure department compliance with all civil rights laws." It also noted that the Community Services Administration, prior to FY 1982, monitored internal and grantee compliance through conduct of annual reviews.[17] However the information provided for this review shows CSA's role in external compliance related to SRS grantees/contractors appears even then to have been minimal.

SRS also requires that block grant service providers confirm agreement to nondiscrimination and compliance with civil rights laws by signing a copy of its Assurance of Compliance form upon award of a "Major Purchase Contract" or a "Limited Purchase Agreement" (for contracts under $10,000).[18]

In addition, SRS requires contractors to complete a questionnaire, "Accessibility Survey for the Physically Handicapped" for the purpose of monitoring contractor compliance. The survey document is an extensive checklist based upon minimum standards of accessibility outlined under Section 504 of the Rehabilitation Act of 1973.[19] "Contractors submit this document to EDSF (Electronic Data Sytems-Federal), the SRS fiscal agent which, in turn, sends it to the SRS EEO Section for review."[20] SRS stated it was reviewed by HHS for compliance with Section 504 in January 1980, and that HHS also had reviewed 23 of the Department's contractors' compliance with Section 504 and/or Title VI of the Civil Rights Act in FY 1980. In addition, SRS did accessibility surveys in 1979 and 1980 of its offices, facilities, youth centers and hospitals to determine Section 504 compliance.[21] "Review of these surveys by the SRS EEO Section disclosed that SRS' facilities, youth centers, and hospitals as well as its programs and services are accessible to handicapped persons."[22]

The Department's complaint-handling procedures were summarized as follows:

> Internal and external complaint processes are available to handle allegations of discrimination. Persons who believe the agency or a contractor has discriminated against them because of their race, color, religion, sex, age, handicap, national origin or ancestry may file a written complaint with the EEO section or a Federal civil rights enforcement agency within the time required by law. Whether the complaint is filed with the EEO Section or an enforcement agency, it is investigated and a determination made as to the truth of the allegations. If the investigation discloses that a violation did occur, the agency or contractor is asked to take the appropriate corrective actions, and to provide a written report of their actions.[23]

While SRS reported no direct discrimination charges had been filed against the alcohol and drug abuse services, community services block grant program or adult services programs during the past three years,[24] in that time period ten external complaints were filed with and investigated by Federal enforcement agencies. No evidence of violations were found in nine of the complaints and one was pending investigation at the time this report was drafted.[25] Of the total, four were against SRS and six against SRS contractors. Seven were based on handicap, and the remaining three on age, ancestry and race.[26]

In summary, each SRS block grant funded program appears to have made the necessary written assurances that, as a condition of Federal funding the State and its grantees will comply with civil rights obligations. But there is sparse evidence of any unified or consistent method of administration by which compliance is actually determined except for possible actions taken in response to HHS reviews. In fact, the Department said "the State does not have a coordinating mechanism to ensure that SRS or its other agencies that administer federally-financed programs comply with Federal or State antidiscrimination regulations" but instead "SRS. . .agrees not to discriminate. . .and certifies that it will monitor and evaluate its own and its

[16] Ibid., Community Services Block Grant attachment.
[17] Ibid.
[18] Harder Nov. 5 letter, attachment.
[19] Ibid.
[20] Robert C. Harder, letter to staff, June 29, 1983 (hereafter cited as Harder June 29 letter).
[21] Harder Nov. 5 letter.
[22] Harder June 29 letter.
[23] Harder Nov. 5 letter.
[24] Harder Nov. 5 letter, Phillips memo, Community Services Block Grant attachment, Harrod memo.
[25] Ibid.
[26] Ibid., attachments.

contractors' compliance with Federal antidiscrimination regulations."[27] However during the course of the Committee's review, "SRS established a contract compliance position in the Equal Opportunity Section" and planned to fill the position in July 1983.[28] SRS stated that "one of the first duties of the contract compliance officer will be to outline action steps SRS needs to take to ensure uniform compliance and enforcement of Federal civil rights and nondiscrimination requirements."[29]

[27] Harder Nov. 5 letter.
[28] Harder June 29 letter.
[29] Ibid.

3. The Block Grant Process

The U.S. Department of Health and Human Services determines the amount of funds to be allocated to each State for each block grant in accordance with formulas established in Pub. L. 97-35. The State must submit a formal request annually to HHS for its share of each block grant prior to receiving funds. HHS regulations do not prescribe any particular format for the application beyond content requirements specified in the law.[1] Thus the Advisory Committee sought to determine the procedures used by the State in accepting the funds, the allocation process on SRS's four block grants and their impact on participation of minorities and women.

The Application Process

Pub. L. 97-35 requires that before expenditure of any fiscal year's payment from the Social Services block grant the State shall submit a report to the Secretary of HHS on the intended uses of the funds, including information on the types of activities to be supported and categories or characteristics of individuals to be served. During development of the report and after its completion, it should be publicized in the State in a way that will facilitate comment by individuals and public agencies.[2] General procedures prerequisite to a State's obtaining block grant funds exempt the social services block grant from specified assurances to be made by the Governor as is applicable to the other five HHS block grants.[3] Although the Omnibus Budget Reconciliation Act requires the States to have public comment on the plans and intended uses of the funds, the State has discretion on the format for public participation. In addition to the general requirements for public participation, States must conduct public hearings on the proposed use and distribution of funds under Community Services, Alcohol, Drug Abuse and Mental Health Services, Preventive Health and Health Services, Primary Care and Low-Income Home Energy Assistance block grants, and these hearings must be conducted by the State legislature except that hearings for the Low-Income Energy Assistance grant may be conducted by any unit of State government. The manner in which the hearings are conducted is up to the State. No legislative hearings were required for a State to receive first year allotments.[4]

In some States, agencies expend Federal monies without appropriation by the Legislature, however in Kansas Federal funds are appropriated through the Legislature.[5] The annual budgets for expenditure of block grant funds are developed by the Governor and then approved by the legislature without precise knowledge of the Federal fund amounts. This is because of differences between the time frame of the Congressional budget cycle and the Kansas budget cycle (the State's fiscal year begins July 1 as opposed to October 1 for the Federal fiscal year). Thus "for the most part these

[1] 47 Fed. Reg. 29474 (1982).
[2] Pub. L. 97-35, §2004.
[3] 47 Fed. Reg. 29474 (1982).
[4] Ibid.
[5] Robert L. Epps, Department of Administration, Principal Budget Analyst, telephone interview, May 25, 1983.

estimates of Federal block grant expenditures are handled by 'no limit' appropriation language which simply authorizes agencies to expend all of the Federal funds received in a given fiscal year."[6]

The Governor's office stated:

> Though the block grants were hailed as a new era in Federal/State relations, when they were finalized, the block grants were still left with many of the same categorical components.
>
> Nonetheless, the block grants did bring with them more flexibility for planning than States had previously had. To date, we have not seen a significant shifting away from the current distribution of funds. In part this is because significant blocks of constituent interests are still geared towards the old format of categorical grants.
>
> Because of the Governor's broad responsibilities for defining the direction of policy he has an impact on the block grant distribution. . . .In Kansas the Governor has continued to rely heavily on the program managers for the hands on decisions.[7]

Funding and Program Participation

Although SRS used similar procedures in satisfying Federal regulations on participation for all four block grants, the allocation formulas varied because of differing requirements in the law. The Advisory Committee sought to determine how funds had been allocated and what impact that allocation had on participation by minorities and women in the programs funded.

Social Services Block Grant

SRS stated that the first Social Services block grant funds were not available until one quarter into the State's 1982 fiscal year (which began July 1, 1981). Because Federal funding was reduced, the Department's priorities are "to maintain existing programs."[8]

Prior to the Omnibus Reconciliation Act, the State received approximately 31 million dollars in Federal funds under categorical grants for operation of social service programs. Under the new block grant for Social Services, in FY 1982 the amount dropped to approximately 25 million dollars.[9] The State will receive 27.1 million in FY 1983 and pending appropriation could receive approximately 25.8 million in FY 1984.[10] Actual expenditures for FY 1982 (July 1, 1981–June 30, 1982) were 35.1 million dollars (including State funds).[11] Estimated expenditures for FY 1983 are 35 million dollars and 34.5 million dollars in FY 1984.[12] The categories of programs supported by the block grant are: Abuse/Neglect, Adoption, Adult Day Programs, Alternate Care, Custody Supervision, Day Care, Family Building and Support, Family Foster Services, Family Services, Family Support, Guardian/Conservator, Home Community Based, Homemaker, Information/Referral, Residential: Adult, Residential: Child, Specialized Social Adjustment, Work Activity/Adjustment, Resource Development, and Administration/Training.[13] Of the 35 million dollars in estimated expenditures for FY 1983, 26.6 million dollars are Federal and 8.4 million dollars are from State sources. Of the total expenditure, 50 percent was alloted to adult services, 45 percent to youth services and approximately five percent to administration, training, resource development, information and referral. Direct service (social work staff and homemaker services) and purchase of service expenditures were funded at nearly the same level, 17 million each.[14]

The Department's grant guidelines for social services state that block grant regulations reduced Federal requirements placed on States, enabling development of new approaches to contracting with community agencies for service delivery. The guidelines describe SRS policy to make grants available to selected groups of community organizations serving SRS clients beginning in July 1982, and describes the requirements.[15]

The Social Services Block Grant plan indicates that funds are allocated to SRS management areas which contain both urban and rural residents.[16] SRS area offices are located in Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction

[6] Robert L. Epps, letter to staff, May 25, 1983 (hereafter cited as Epps May 25 letter).
[7] Deb Miller, Assistant to the Governor, letter to staff, June 1, 1983.
[8] Robert C. Harder, letter to staff, Nov. 5, 1982 (hereafter cited as Harder Nov. 5 letter), Lauren Harrod memo, attachment.
[9] Lauren Harrod, SRS, Director of Adult Services, telephone interview, May 31, 1983.
[10] Michael Hill, Grants Analyst, Division of Grants and Contract Management, Human Development Services/HHS headquarters, telephone interview, June 1, 1983.
[11] SRS, *Social Services Block Grant Final Report, FY 1982*, Sept. 24, 1982.
[12] Epps May 25 letter, attachments.
[13] Ibid.
[14] SRS, *Social Services Block Grant*, July 1, 1982, pp. 4–5.
[15] SRS, *Social Services Grant Program*, March 1982, p. 1.
[16] SRS, Social Services Block Grant proposals, Oct. 1, 1981 and July 1, 1982.

City, Kansas City, Olathe, Osawatomie, Parsons, Pittsburg, Pratt, Salina, Topeka, Wichita and Winfield.[17] Past expenditure patterns are the primary criteria used to determine fund allocations.[18]

The Governor's cover letter transmitting the State's first block grant proposal for social services stated public hearings were held monthly throughout the year and that August and September 1981 meetings were specifically geared to the block grant legislation. It referred to public notices of these meetings that appeared in the *Topeka Capital Journal* (at that time the official State newspaper), the *Wichita Eagle-Beacon* (described as the newspaper with widest distribution in Kansas) and the *Kansas City Star* (serving northern and eastern sections of Kansas). Also the advertisement was placed in "appropriate minority newspapers."[19] For the FY 1983 proposed plan, the Secretary of SRS said there was opportunity for public input through a June 1982 SRS "open meeting" where comments were requested.[20] SRS said the open meetings allowing for citizen input reached all parts of the State through telephone conference call hook-ups (in each of the seventeen SRS area offices).[21] Staff stated that the SRS has 700–800 providers and clients on their mailing list to receive minutes of SRS open meetings.[22]

SRS "open meetings" were initiated in the mid 1970s with regard to Title XX programs (the categorical grant programs that were consolidated into the Social Services Block Grant) as a means of receiving comment upon any proposed program changes. This already established mechanism was used for block grant public input.[23]

An SRS Adult Grant Task Force Committee, appointed by the Secretary of SRS, had responsibility for developing Social Services block grant procedures. Individuals serving on the Committee were appointed for their expertise in various program areas. The Committee of approximately 14 persons was composed primarily of SRS staff, but included two providers designated by the Kansas Association for Rehabilitation and two representatives from HHS/Office of Human Development Services. There were eleven white and three black members: eight were white males, three were white females and three were black females.[24]

Statistics provided on client characteristics of persons being served in Kansas facilities funded through the Social Services Block Grant (SSBG) during the reporting period October-December 1982 showed that 6.1 percent were black, 1.3 percent were Hispanic, 0.8 percent were American Indian, and 0.2 percent were Asian American. Women were 44.8 percent of the clients served.[25]

A profile of SRS providers (non-medical community-based grantees and major purchase contract providers serving handicapped children and/or adults) funded through SSBG in FY 1983 shows that 10.9 percent of administrative and program staff were minority and 70.6 percent female. Of the total population served 15.3 percent were minority and 54.6 percent female.[26]

SRS provided a list of approximately 195 community facilities and organizations which held major purchase contracts as of June 1982 to provide services to populations in the SRS service areas throughout the State.[27] The Department's response seems to indicate that none of these had been reviewed to determine the status of civil rights compliance other than through written assurances.

Alcohol, Drug Abuse and Mental Health (ADM) Block Grant

The State's 1983 application for the ADM block grant provided a progress report summary on the FY 1982 mental health services program. Priorities of the FY 1982 program were to provide services to: 1) chronically mentally ill; 2) severely mentally disturbed children and adolescents; 3) the mentally ill elderly; 4) those that are currently underserved.[28] In FY 1982 total allocation from Federal block grant funds for mental health services was approximately 1.6 million which was allocated 13 mental health

[17] Harder Nov. 5 letter, attachments.
[18] SRS, Social Services Block Grant proposals, 1981–82.
[19] Governor John Carlin, letter to Secretary Richard Schweiker, HHS, Sept. 1, 1981, in SRS letter to staff, Helen V. Kimball, Administrator, June 8, 1983.
[20] Ibid., See also: Robert C. Harder, letter to Linda Carson, Regional Administrator, HHS/Office of Human Development Services, June 28, 1982.
[21] Harder Nov. 5 letter, Harrod memo, attachment.
[22] Lauren Harrod, Acting Commissioner, SRS/Adult Services, telephone interview, May 31, 1983.
[23] Ibid.
[24] Ibid.
[25] Robert C. Harder, letter to staff, May 12, 1983, attachment.
[26] Aileen C. Whitfield, SRS, Executive Assistant to the Secretary, letter to staff, June 8, 1983.
[27] Harder Nov. 5 letter, attachments.
[28] *Alcohol, Drug Abuse and Mental Health Services Block Grant Application, State of Kansas*, Oct. 1, 1982 to Sept. 30, 1983, pp. 13–14.

centers throughout the State, and a community mental health association for provision of technical assistance.[29] FY 1983 funding to these recipients was projected to remain at the same level contingent upon the State's receipt of the same amount of funding as in FY 1982.[30]

SRS stated that citizen participation was ensured through the open meeting process and Senate Ways and Means hearings.[31] As a part of the application, the Governor's Statement of Assurances stated that, in accordance with Federal regulations open meetings were conducted by SRS each month between Apr. 6, 1982 through Aug. 3, 1982 to receive public comment on the plan and intended uses of the block grant funds. Furthermore, notice of the May 4, 1982 SRS public hearing was published Apr. 22, 1982 in the *Kansas Register*, the official State newspaper published weekly by the Secretary of State, and notice of the legislative hearing on the ADM block grant was published in the *Topeka Capital-Journal* on the same date. The Senate Ways and Means Committee's public hearing notice indicated that the agenda included the Social Services Block Grant, and Home Energy Assistance Block Grant, as well as the Alcohol, Drug Abuse and Mental Health Block Grant.[32]

The ADM application attached a copy of minutes from the Senate Committee on Ways and Means hearing of Apr. 26, 1982. These minutes also included SRS comment on programs funded through the Social Services block grant. There were 18 "conferees," all representatives of State government except for a TV station manager. The Secretary of SRS told the Senate Committee that the funding priorities for the Social Services block grants were "basically those agreed upon five to six years ago." Further in response to questions from Committee members, the Secretary indicated the necessity of making reductions in programs which will have the effect of hurting the "working poor," and "reminded the Committee that the legislature had agreed to add funds for day care."[33]

The State's application and implementation plan for alcohol and drug abuse (ADA) programs for FY 1982 noted that two public hearings geared to block grant legislation were held, and that the plan was approved through "numerous public hearings, by the Kansas Citizens Advisory Committee on Alcohol Abuse and Alcoholism, the Citizens Advisory Committee on Drug Abuse. . ."[34]

As with mental health services, the primary criteria for distribution of alcohol and drug abuse program funds was to maintain funding for existing programs. Categories of individuals to be served were "Youth, Blacks, Native American Indians, Women, Hispanics and Others with alcohol and other drug service needs." In FY '82, 13 facilities and organizations were awarded ADA grant funds that totaled $529,072 in amounts ranging from $4,000–$171,000. The locations were Lawrence, Wichita, Leavenworth, Topeka, Kansas City, Manhattan, Horton, Emporia, Hutchinson and Pittsburgh. The State carried forward approximately $503,000 for use in FY 1983 "in an attempt to equalize programming over the two year period." It was estimated that approximately $1.9 million would be spent on existing programs in 1983.[35]

Community Services Block Grant

The State's FY 1983 plan for implementation of the Community Services program, formerly administered by the U.S. Community Services Administration, sets out the legal requirement for distribution of funds: 90 percent of available funding to the State's existing seven community action agencies and an existing migrant and seasonal farmworker organization; five percent to make competitive discretionary grants to non-community action agencies to provide services to areas/populations currently underserved; and five percent for State administrative expenses.[36] The State determined it would concentrate funding services in the 27 counties served by the seven community action agencies prior to the block grant transfer, because 52–55 percent of the low income population of the State reside there.[37] Funding decisions were described by SRS:

> A two tier funding plan was developed. One tier included community action agencies who were awarded noncompetitive grants based on formula allotments. The second tier encompassed community based organizations, local

[29] Harder Nov. 5 letter, attachment IV, List of Recipients, Federal Block Grants, FY 1982.
[30] Ibid.
[31] Ibid.
[32] State of Kansas, *Application for Alcohol, Drug Abuse and Mental Health Services, Oct. 1, 1982 to Sept. 30, 1983 (FY 1983)*.
[33] Ibid., p. 6.
[34] Harder Nov. 5 letter, attachment I.
[35] Harder Nov. 5 letter, Phillips memo, attachment.
[36] SRS/State Economic Opportunity Office, *Community Services Block Grant Program, Implementation Plan for the State of Kansas*, Fiscal Year 1983, Sec. III, p. 1.
[37] Ibid., p. 4.

units of government, migrant and seasonal farmworkers organizations, who applied for competitive grants. Applications for competitive grants were rated and selections made starting with the highest scored proposal. The decision to use a two tier funding plan was made internally following a hearing by the State legislature.[38]

The seven community action agencies funded in both FY 1982 and 1983 were: Wichita Human Resources Department, Southeast Kansas Community Action Agency (Girard), Economic Opportunity Foundation (Kansas City), East Central Kansas Economic Opportunity Corporation (Ottawa), Northeast Kansas Community Action Agency (Horton), Mid-Kansas Community Action Program (El Dorado), Shawnee County Community Assistance and Action Agency (Topeka). Other organizations funded in FY 1982-83 were Harvest America Corporation (Kansas City), Wichita Urban Indian Health Center and Senior Services (Wichita). In addition, the Shawnee County Indian Education Center (Topeka) was included for funding in FY 1983. Total program funding for FY 1982 was $2,793,562. FY 1983 projections indicated a decrease in total amount to $2,529,883. The community action agencies in Wichita and Kansas City were marked for lower funding levels in FY 1983.[39]

The Department held several open meetings to provide citizen participation with prior public notice provided.[40]

Statistics were provided by SRS on the race/sex characteristics of clients served through the Community Services block grant program for the first six months of FY 1983. These showed that 14.9 percent were black, 6.4 percent were Hispanic, 1.7 percent were American Indian and 1.0 percent were Asian. Women were 64.9 percent of the clients served.[41]

Low Income Energy Assistance (LIEAP)

The program is administered by the Division of Income Maintenance and Medical Services/Public Assistance Section. Application intake is done at local SRS levels, and distribution of benefits to eligible households is issued from Topeka.[42] SRS described the manner in which funding decisions were made for LIEAP:

> Suggestions regarding and/or affecting funding are solicited and received from individuals, agencies, legislators, etc. The LIEAP State Coordinator makes a recommendation based on input from SRS Central Office and Area Office staff. The Department's Executive Committee and/or the Secretary review the recommendations and make the final decisions.[43]

In FY 1982, the State received $11.4 million in Federal funds through which assistance was provided to 86,885 households. Assistance phases and average benefits per household were described as follows: 1) winter regular assistance—$133.36; 2) winter emergency assistance—$159.40; 3) summer regular assistance—$114.43 and 4) summer emergency assistance—$96.00. Similar benefits were projected for FY 1983 unless availability of funds would decrease.[44] Citizen participation in the program was encouraged:

> Letters were sent to community and utility vendors asking them to evaluate the existing program for incorporation into the next fiscal year's program; proposed plans were made available by SRS area and local office staff and discussed at the Department's Public Hearing. A notice of the hearing was placed in the local newspaper and a notice was sent to all individuals on the mailing register. Individuals could provide verbal and written input at 17 area offices throughout Kansas and/or submit their input directly to the State; proposed plans were available in SRS area and local offices and mailed upon request; plans were shared with utility vendors, and community agencies in individual meetings; SRS staff at all levels made presentations at meetings and to news reporters and received input prior to the start of the program and throughout the year; and each SRS area convened a meeting to implement and share program regulations and receive public comments.[45]

SRS provided statistics on heads of households who received energy assistance during the 1983 winter as follows: 71.4 percent were women, 17.9 percent were black, 2.6 percent were Hispanic, 1.7 percent were Asian and 0.8 percent were Indian.[46]

[38] Harder Nov. 5 letter, attachment—*Community Services Block Grant.*
[39] Ibid.
[40] SRS, *Community Services Block Grant Implementation Plan,* Sec. II, p. 2.
[41] Robert C. Harder, letter to staff, May 12, 1983 (hereafter cited as Harder May 12 letter), attachment.
[42] Kathy Valentine, Assistant LIEAP Coordinator, telephone interview, Apr. 29, 1983.
[43] Robert C. Harder, letter to staff, Nov. 8, 1982.
[44] Ibid.
[45] Ibid.
[46] Harder May 12 letter, attachment.

4. HHS/OCR Monitoring of Block Grants

The Office for Civil Rights/U.S. Department of Health and Human Services is responsible for civil rights enforcement responsibilities in the block grant programs. But each State, as the primary recipient of block grant funds, has "prime responsibility to secure compliance by the provider receiving Federal financial assistance." OCR staff stated that if it found a recipient in noncompliance, efforts would be made to secure voluntary compliance. If unsuccessful, enforcement proceedings would be initiated. In instances where noncompliance is determined, the Governor of the State has up to 60 days to secure voluntary compliance. If so requested, OCR will provide technical assistance in efforts to negotiate compliance.[1]

Although in FY 1983 some of the recipients to be reviewed in Region VII (Iowa, Kansas, Missouri and Nebraska) had received block grant funds, OCR stated, "no specific goals have been set for this fiscal year for block grant reviews." Of the 11 facilities stated, two were Kansas hospitals to be reviewed under Title VI and Section 504 jurisdictions. Additionally, 12 as yet unspecified hospital reviews and two monitoring reviews are to be conducted in the region.[2]

OCR stated that during the period 1979–1982 it had received 63 complaints regarding Kansas programs or facilities and conducted 14 compliance reviews. Many of the complaints were against hospital or medically related facilities and several were against State and county social service agencies. During this same period it conducted 59 Title VI pre-grant reviews in Kansas and reported 216 technical assistance contacts with program beneficiaries, interested groups or persons and recipients. Some of these contacts were for the purpose of helping recipients to comply with various civil rights regulations.[3]

In FY 1982 Region VII HHS/OCR stated that three compliance reviews were conducted in Kansas: a review of the area agency on aging in Wichita, and reviews of two nursing homes, one in Kansas City, and the other in Lenexa.[4] Clearly these few compliance reviews cover only an infinitesimal portion of the universe of block grant funded reviewable activities and organizations and do not begin to impact SRS grantees.

[1] HHS/OCR, Lois V. Carter, Director, letter to staff, Apr. 4, 1983.
[2] Ibid.
[3] Ibid.
[4] Ibid.

5. Conclusions, Findings and Recommendations

Conclusions

The Advisory Committee's review of civil rights compliance efforts of Kansas Department of Social and Rehabilitation Services in its utilization of Pub. L. 97-35 block grant funds shows that a compliance program has not been implemented apparently based on the presumption that the Federal agencies would continue to assume full responsibility as in the pre-block grant period. There was only some fragmentary activity, e.g. State Economic Opportunity Office's review of grantees participant statistics, and paper references on various forms to the State's expectations of its grantees/contractors regarding nondiscrimination requirements and responsibilities. During the Committee's review, however, SRS said it had established a contract compliance position within its Equal Employment Opportunity section. One of the first duties of the staff will be to define action steps SRS should take to ensure uniform compliance and enforcement of Federal civil rights and nondiscrimination requirements.

HHS/OCR's levels of past and projected compliance activity clearly indicates that it reviews only a small portion of the universe of reviewable activities. Thus it is difficult to know from either State or Federal activity the true status of block grant recipients' compliance with civil rights regulations because there has been little or no specific civil rights review of SRS service providers' facilities or activities.

With the acceptance of Federal fund the State of Kansas has a clear obligation to ensure full compliance with Title VI of the 1964 Civil Rights Act and Sec. 504 of the Rehabilitation Act. It seems clear that the State needs a central coordinating mechanism to monitor compliance efforts. SRS plans that such activity become the responsibility of the SRS/EEO unit.

Because HHS/OCR apparently does not have the resources to conduct comprehensive reviews of civil rights compliance by all recipients of Federal funds, it should make concentrated effort to assure the State has an adequate system for compliance review and enforcement activities. Without leaving all responsibility for grantee compliance activity to the State, this would help ensure the effectiveness of State initiatives to guarantee compliance with antidiscrimination requirements by grantees.

Findings and Recommendations

The following findings and recommendations are submitted under the provisions of Sec. 703.2(e) of the Commission's regulations, empowering the Advisory Committee to "Initiate and forward advice and recommendations to the Commission upon matters which the State Committee has studied."

The Advisory Committee presents the findings and recommendations for consideration by the Commission in its national program planning and for its consideration in advising the President and Congress on matters within its jurisdiction.

Finding 1: Kansas Department of Social and Rehabilitation Services efforts to ensure compliance with Federal antidiscrimination laws, generally appear to have been insufficient to meet the obligations the State and its agencies assumed in accepting Federal funds. The Department acknowledged that it has not had a formal unified system to determine contractors compliance and that it has relied on the advice from compliance reviews of Federal agencies before it becomes involved in most compliance activity. However the SRS announced intention to add a contract compliance officer to the staff by the beginning of the State's FY 1984. The State could do more than it is doing now to ensure adequate enforcement of Federal and State antidiscrimination laws.

Recommendation 1: The State should establish a uniform coordinated policy and mechanism to assess its and grantees compliance with Federal antidiscrimination laws.

Finding 2: In FY 1982, Region VII HHS/OCR had conducted only three compliance reviews of Kansas facilities. It had no target goals for block grant reviews in FY 1983; OCR indicated that planned reviews in FY 1983 would be concentrated on hospitals which means most SRS grantees and facilities would not be subject of review. Given these facts, it would appear that through technical assistance contacts, some of which have been to help federally funded recipients comply with various civil rights regulations, OCR might work with SRS to assist it in developing an effective system of review.

Recommendation 2: HHS/OCR should consider provision of technical assistance to SRS specifically geared to State establishment of a compliance review system, including evaluative tools to be used in assessment.

Appendix A

Filing of Discrimination Complaints

The Office for Civil Rights (OCR) of the U.S. Department of Health and Human Services (HHS) has responsibility to enforce block grant nondiscrimination provisions. The State as a recipient of block grant funds also has a responsibility to ensure that there is no discrimination in its or its grantees/contractors programs. Complaints of alleged discrimination in block grant programs funded by HHS in Region VII (Kansas, Iowa, Missouri and Nebraska) and those administered by the Kansas Department of Social and Rehabilitation Services may be filed with:

Regional Manager, Region VII
Department of Health and Human Services/Office for Civil Rights
601 East 12th Street
Kansas City, Missouri 64106
(816) 374–7277

or

EEO Administrator
Kansas Department of Social and Rehabilitation Services
2700 West 6th Street
Topeka, Kansas 66606
(913) 296–4766